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# **Local Government Council**

## **ACTION PACKET**

**Wednesday, March 15, 2006  
2:30 P.M.  
404 House Office Building**

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

**Location:** 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ken Sorensen (Chair)	X		
Thomas Anderson	X		
Mike Davis	X		
Terry Fields	X		
D. Alan Hays	X		
Matthew Meadows	X		
Julio Robaina	X		
Yolly Roberson	X		
<b>Totals:</b>	<b>8</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 251 CS : High-Risk Offenders

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
<b>Total Yeas: 8</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 463 CS : Testing of Inmates for HIV Infection in County and Municipal Detention Facilities

☒ X

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 823 : Local Government Infrastructure Surtax

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

### Appearances:

Jerry Sansom (Lobbyist) - Proponent  
City of Melbourne  
P. O. Box 98  
Cocoa FL 32923  
Phone: 321-777-8130

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No.823

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>✓</u>	(Y/N)
OTHER	<u>      </u>	

Council/Committee hearing bill: Local Government Council

Representative Davis offered the following:

**Amendment (with title amendment)**

Remove line 92-96 and insert:

reduce property taxes. Except for by public referendum, the  
taxing authority may not increase property taxes for the first  
year following the year in which the taking authority elected to  
use such proceeds and interest for operational expenses and may  
not increase property taxes above the rollback rate by more than  
5 percent in the second and

===== T I T L E A M E N D M E N T =====

Remove line 8 and insert:

certain circumstances; limiting the increase of property  
taxes absent a referendum; providing an

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

23 of the surtax shall be pursuant to ordinance enacted by a  
24 majority of the members of the county governing authority and  
25 approved by a majority of the electors of the county voting in a  
26 referendum on the surtax. If the governing bodies of the  
27 municipalities representing a majority of the county's  
28 population adopt uniform resolutions establishing the rate of  
29 the surtax and calling for a referendum on the surtax, the levy  
30 of the surtax shall be placed on the ballot and shall take  
31 effect if approved by a majority of the electors of the county  
32 voting in the referendum on the surtax.

33 2. If the surtax was levied pursuant to a referendum held  
34 before July 1, 1993, the surtax may not be levied beyond the  
35 time established in the ordinance, or, if the ordinance did not  
36 limit the period of the levy, the surtax may not be levied for  
37 more than 15 years. The levy of such surtax may be extended only  
38 by approval of a majority of the electors of the county voting  
39 in a referendum on the surtax.

40 (b) A statement which includes a brief general description  
41 of the projects to be funded by the surtax and which conforms to  
42 the requirements of s. 101.161 shall be placed on the ballot by  
43 the governing authority of any county which enacts an ordinance  
44 calling for a referendum on the levy of the surtax or in which  
45 the governing bodies of the municipalities representing a  
46 majority of the county's population adopt uniform resolutions  
47 calling for a referendum on the surtax. If in addition to the  
48 other uses authorized for the surtax, a county, municipality or  
49 school district proposes to use the proceeds either to replace  
50 or supplant existing ad valorem taxes or existing user fees as  
51 provided in subparagraph (f) or to fund operating expenses of  
52 infrastructure as provided in subparagraph (d)1, or both, the  
53 ballot summary shall also state an estimate of the ad valorem



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

taxes or user fees to be reduced or the infrastructure to be operated. The following question shall be placed on the ballot:

\_\_\_\_ FOR the \_\_\_\_-cent sales tax  
\_\_\_\_ AGAINST the \_\_\_\_-cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

85 and to finance the closure of county-owned or municipally owned  
86 solid waste landfills that are already closed or are required to  
87 close by order of the Department of Environmental Protection.  
88 Any use of such proceeds or interest for purposes of landfill  
89 closure prior to July 1, 1993, is ratified. Neither the proceeds  
90 nor any interest accrued thereto in excess of 10 percent of the  
91 proceeds of the surtax shall be used for operational expenses of  
92 any infrastructure, except that any county with a population of  
93 less than 75,000 that is required to close a landfill by order  
94 of the Department of Environmental Protection may use the  
95 proceeds or any interest accrued thereto for long-term  
96 maintenance costs associated with landfill closure. Counties, as  
97 defined in s. 125.011(1), and charter counties may, in addition,  
98 use the proceeds and any interest accrued thereto to retire or  
99 service indebtedness incurred for bonds issued prior to July 1,  
100 1987, for infrastructure purposes, and for bonds subsequently  
101 issued to refund such bonds. Any use of such proceeds or  
102 interest for purposes of retiring or servicing indebtedness  
103 incurred for such refunding bonds prior to July 1, 1999, is  
104 ratified.

105 2. For the purposes of this paragraph, "infrastructure"  
106 means:

107 a. Any fixed capital expenditure or fixed capital outlay  
108 associated with the construction, reconstruction, or improvement  
109 of public facilities which have a life expectancy of 5 or more  
110 years and any land acquisition, land improvement, design, and  
111 engineering costs related thereto.

112  
113 b. A fire department vehicle, an emergency medical service  
114 vehicle, a sheriff's office vehicle, a police department  
115 vehicle, or any other vehicle, and such equipment necessary to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

116 outfit the vehicle for its official use or equipment that has a  
117 life expectancy of at least 5 years.

118 c. Any expenditure for the construction, lease, or  
119 maintenance of, or provision of utilities or security for,  
120 facilities as defined in s. 29.008.

121 3. Notwithstanding any other provision of this subsection,  
122 a discretionary sales surtax imposed or extended after the  
123 effective date of this act may provide for an amount not to  
124 exceed 15 percent of the local option sales surtax proceeds to  
125 be allocated for deposit to a trust fund within the county's  
126 accounts created for the purpose of funding economic development  
127 projects of a general public purpose targeted to improve local  
128 economies, including the funding of operational costs and  
129 incentives related to such economic development. The ballot  
130 statement must indicate the intention to make an allocation  
131 under the authority of this subparagraph.

132 (e) School districts, counties, and municipalities  
133 receiving proceeds under the provisions of this subsection may  
134 pledge such proceeds for the purpose of servicing new bond  
135 indebtedness incurred pursuant to law. Local governments may use  
136 the services of the Division of Bond Finance of the State Board  
137 of Administration pursuant to the State Bond Act to issue any  
138 bonds through the provisions of this subsection. In no case may  
139 a jurisdiction issue bonds pursuant to this subsection more  
140 frequently than once per year. Counties and municipalities may  
141 join together for the issuance of bonds authorized by this  
142 subsection.

143 (f). A school district, county and municipality may use  
144 up to 35 percent of the proceeds to replace or supplant  
145 existing property tax levies, and any debt related thereto, or  
146 user fees that have been levied specifically for the purpose of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

147 providing infrastructure as defined above, or to purchase  
148 environmentally sensitive lands. In the year following the  
149 imposition of the surtax, the county, municipality or school  
150 district that uses a portion of the proceeds of the surtax to  
151 replace or supplant existing property tax levies or that uses a  
152 portion of the proceeds for operating expenses of infrastructure  
153 as specified in subparagraph (d)(1) shall reduce property taxes  
154 by the amount of the proceeds used for those purposes.

155 (g)-(f)1. Notwithstanding paragraph (d), a county that has  
156 a population of 50,000 or less on April 1, 1992, or any county  
157 designated as an area of critical state concern on the effective  
158 date of this act, and that imposed the surtax before July 1,  
159 1992, may use the proceeds and interest of the surtax for any  
160 public purpose if:

- 161 a. The debt service obligations for any year are met;  
162 b. The county's comprehensive plan has been determined to  
163 be in compliance with part II of chapter 163; and  
164 c. The county has adopted an amendment to the surtax  
165 ordinance pursuant to the procedure provided in s. 125.66  
166 authorizing additional uses of the surtax proceeds and interest.

167 2. A municipality located within a county that has a  
168 population of 50,000 or less on April 1, 1992, or within a  
169 county designated as an area of critical state concern on the  
170 effective date of this act, and that imposed the surtax before  
171 July 1, 1992, may not use the proceeds and interest of the  
172 surtax for any purpose other than an infrastructure purpose  
173 authorized in paragraph (d) unless the municipality's  
174 comprehensive plan has been determined to be in compliance with  
175 part II of chapter 163 and the municipality has adopted an  
176 amendment to its surtax ordinance or resolution pursuant to the  
177 procedure provided in s. 166.041 authorizing additional uses of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

the surtax proceeds and interest. Such municipality may expend the surtax proceeds and interest for any public purpose authorized in the amendment.

3. Those counties designated as an area of critical state concern which qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes authorized by this section.

(g) Notwithstanding paragraph (d), a county having a population greater than 75,000 in which the taxable value of real property is less than 60 percent of the just value of real property for ad valorem tax purposes for the tax year in which an infrastructure surtax referendum is placed before the voters, and the municipalities within such a county, may use the proceeds and interest of the surtax for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax throughout the duration of the surtax levy or while interest earnings accruing from the proceeds of the surtax are available for such use, whichever period is longer.

(h) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (3), (4), and (5) in excess of a combined rate of 1 percent.

Section 2. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to the local government infrastructure surtax; amending s. 212.055, F.S.; amending s. 212.055, F.S.; revising ballot summary requirement; authorizing the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

209 use of surtax proceeds for operational expenses;  
210 authorizing the use of surtax proceeds to supplant or  
211 replace existing revenue sources and related debt and  
212 requiring corresponding reduction in property taxes;  
213 providing an effective date.

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 905 : Transportation Concurrency Management

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

### Appearances:

Denise Layne (Lobbyist) - Proponent  
Coalition 4 Responsible Growth, Inc.  
2504 Ayers Hill Court  
Lutz FL 33559  
Phone: 813-246-0485

Rebecca O'Hara (Lobbyist) - Proponent  
Florida League of Cities  
P. O. Box 1757  
Tallahassee FL 32302  
Phone: 850-222-9684

Eric Poole (Lobbyist) - Proponent  
Florida Association of Counties  
100 S Monroe Street  
Tallahassee FL 32301  
Phone: 850-922-4300

J. Keith Arnold (Lobbyist) - Proponent  
Collier Co., Lee Co. and City of Ft. Myers  
201 W Park Avenue, #100  
Tallahassee FL 32301  
Phone: 850-222-8188

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 931 : Pinellas Suncoast Transit Authority, Pinellas County

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
<b>Total Yeas: 8      Total Nays: 0</b>					

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM



# **COUNCIL MEETING REPORT**

**Local Government Council**

**3/15/2006 2:30:00PM**

**Location:** 404 HOB

**HB 937 : Pinecraft Lighting District, Sarasota County**

☒ *Temporarily Deferred*

**Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM**

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 971 : Broward County

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays		X			
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)		X			
Total Yeas: 6		Total Nays: 2			

### Appearances:

Dave Ericks (Lobbyist) - Proponent  
Broward County  
205 S. Adams Street  
Tallahassee FL 32301  
Phone: 840-224-0880

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1051 : Northern Palm Beach County Improvement District, Palm Beach County

☒ X

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1053 : City of Jacksonville, Duval County

<input checked="" type="checkbox"/> Favorable					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8      Total Nays: 0					

### Appearances:

Brad Thoburn (Lobbyist) - Proponent  
117 W. Duval Street, Suite 400  
Jacksonville FL 32202  
Phone: 904-630-2851

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1057 : City of Jacksonville, Duval County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8      Total Nays: 0					

### Appearances:

Steven Rohan - Proponent  
City of Jacksonville  
117 West Duval Street  
Jacksonville FL 32202  
Phone: 904-630-1672

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1081 : Lee County Hyacinth Control District, Lee County

<input checked="" type="checkbox"/> Favorable					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1085 : Hillsborough County School District

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1133 : Key Largo Wastewater Treatment District, Monroe County

☒ X

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM



# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1151 : Collier County

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

### Appearances:

Leland Taylor (Lobbyist) - Proponent  
Collier Co.  
201 W Park Avenue, #100  
Tallahassee FL 32301  
Phone: 850-491-2548

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

HB 1195 : Manatee County

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
<b>Total Yeas: 8</b>		<b>Total Nays: 0</b>			

### Appearances:

Chris Lyon - Proponent  
125 S Gadsden Street  
Tallahassee FL 32309  
Phone: 850-222-5702

Committee meeting was reported out: Wednesday, March 15, 2006 4:24:56PM

# COUNCIL MEETING REPORT

## Local Government Council

3/15/2006 2:30:00PM

Location: 404 HOB

### Summary:

#### Local Government Council

Wednesday March 15, 2006 02:30 pm

HB 251 CS	Favorable	Yeas: 8	Nays: 0
HB 463 CS	Favorable	Yeas: 8	Nays: 0
HB 823	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 905	Favorable	Yeas: 8	Nays: 0
HB 931	Favorable	Yeas: 8	Nays: 0
HB 937	Temporarily Deferred		
HB 971	Favorable	Yeas: 6	Nays: 2
HB 1051	Favorable	Yeas: 8	Nays: 0
HB 1053	Favorable	Yeas: 8	Nays: 0
HB 1057	Favorable	Yeas: 8	Nays: 0
HB 1081	Favorable	Yeas: 8	Nays: 0
HB 1085	Favorable	Yeas: 8	Nays: 0
HB 1133	Favorable	Yeas: 8	Nays: 0
HB 1151	Favorable	Yeas: 8	Nays: 0
HB 1195	Favorable	Yeas: 8	Nays: 0

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